

the car show sponsored by the Defendant at Jupiter Mall, on November 28, 29, and 30, 1986. The Plaintiff participated in the drawing. He was informed and it was broadcasted to the crowd and over the radio station that the Plaintiff had won a "all expense, five day, paid vacation for two to Acapulco". The value of the trip is in excess of \$3,000.00.

7. Plaintiff has made repeated demands upon the Defendant for his trip, however, the Defendant has refused and continues to refuse to provide or pay for same.

8. The Plaintiff has suffered damages in excess of \$3,000.00. as a direct result of Defendant's breach of the parties agreement.

WHEREFORE, Plaintiff demands judgment for a sum in excess of \$3,000.00, together with cost of suit.

COUNT II

FRAUD

9. The allegations in paragraphs 1, 2, and 3 are herein realleged as if fully set forth.

10. In November of 1986 the Defendant, through its agents and employees advertised on its radio station and conducted a car show at Jupiter Mall, Jupiter, Palm Beach County, Florida. In promoting the car show the Defendant, on the air, promised drawings with all expense paid exotic vacations for the lucky winners.

11. The Plaintiff in response to Defendant's advertising and in hope of winning an exotic vacation attended the Defendant's car show held at Jupiter Mall on November 28, 29 and 30, 1986. The Plaintiff participated in the drawing conducted by the Defendant and the Plaintiff was announced as the winner of an all expense paid vacation for two to Acapulco with a declared value in excess of \$3,000.00. The Defendant broadcasted the Plaintiff's name and good fortune in winning the vacation to those present at the car show and to its radio listening audience.

12. The Defendant's statements over the airways advertising its car show and drawing were specifically intended to induce the Plaintiff to attend the event, spend money at the participating stores, and participate

in the drawings. The Plaintiff justifiably relied on the Defendant's inducements, attended the car show and won the drawing.

13. The Defendant's advertising statements and publically broadcasted announcement as to the Plaintiff, the winner of the drawing, actually receiving the promised vacations were false and made with the knowledge that they were untrue.

14. The Plaintiff has made demands upon the Defendant for the trip he won but the Defendant has refused his demands.

15. The Defendant's fraudulent scheme has damaged the Plaintiff by the time and expense in attending the car show, the loss value of the trip (a sum in excess of \$3,000.00) and the humiliation and emotional distress resulting from Defendant's malicious trick.

WHEREFORE, Plaintiff demands compensatory damages in excess of \$3,000.00, punitive damages in excess of \$5,000.00 and cost of suit.

COUNT III

VIOLATION OF FLORIDA STATUTE SECTION 849.094

16. The allegations in paragraphs 1, 2, and 3 are herein realleged as if fully set forth.

17. The Defendant as operator, promoted and conducted a series of games in connection with the promotion and sale of its radio services in that during November of 1986 the Defendant, advertised on its radio station and conducted a car show at Jupiter Mall, Jupiter, Palm Beach County, Florida. In promoting the car show the Defendant, on the air, promised drawings with all expense paid exotic vacations for the lucky winners.

18. The Plaintiff in response to Defendant's advertising and in hope of winning an exotic vacation attended the Defendant's car show held at Jupiter Mall on November 28, 29 and 30, 1986. The Plaintiff participated in the drawing conducted by the Defendant and the Plaintiff was announced as the winner of an all expense paid vacation for two to Acapulco with a declared value in excess of \$3,000.00. The Defendant broadcasted the Plaintiff's name and good fortune in winning the vacation to those present

at the car show and to its radio listening audience.

19. The Defendant's statements over the airways advertising its car show and drawings were specifically intended to induce the Plaintiff to attend the event, spend money at the participating stores, and participate in the drawings. The Plaintiff justifiably relied on the Defendant's inducements, attended the car show and won the drawings.

20. The Defendant failed to award the prizes offered and announced as won by the Plaintiff.

21. The Plaintiff has been damaged in an amount in excess of \$3,000.00.

22. The Plaintiff has had to hire the undersigned attorneys and has agreed to pay them their reasonable fees for bringing and maintaining this action.

WHEREFORE, Plaintiff demands compensatory damages in excess of \$3,000.00, punitive damages in excess of \$5,000.00, reasonable attorneys fees, and costs of suit herein.

INGALSBE, McMANUS, WIITALA & CONTOLE, P.A.

By: 

J. Terence McManus
Post Office Box 14125
North Palm Beach, FL 33408
(305) 627-1180

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.076. See instructions on the reverse of the form.)

CL 87 3130

I. CASE STYLE

(Name of Court) Circuit

Plaintiff Keith Koerm

Case #: _____

Judge: _____

vs

Defendant U. S. Three Broadcasting Corp., a Florida corporation

II. TYPE OF CASE (Place an x in one box only. If the case fits more than one type of case, select the most definitive.)

Domestic Relations	Torts	Other Civil
<input type="checkbox"/> Simplified dissolution <input type="checkbox"/> Dissolution <input type="checkbox"/> Support — IV-D <input type="checkbox"/> Support — Non IV-D <input type="checkbox"/> URESA — IV-D <input type="checkbox"/> Domestic violence <input type="checkbox"/> Other domestic relations	<input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Products liability <input type="checkbox"/> Auto negligence <input type="checkbox"/> Other negligence	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Condominium <input type="checkbox"/> Real property/ Mortgage foreclosure <input type="checkbox"/> Eminent domain <input type="checkbox"/> Other

III. Is Jury Trial Demanded In Complaint?

☐ Yes

☒ No

DATE 3/30/87

SIGNATURE OF ATTORNEY FOR PARTY Plaintiff
INITIATING ACTION

J. Terence McManus

(2)

CIVIL ACTION SUMMONS

IN CIRCUIT COURT FIFTEENTH JUDICIAL
CIRCUIT OF FLORIDA.
PALM BEACH COUNTY, FLORIDA

KEITH KOEMM

Plaintiff,

vs.

U. S. THREE BROADCASTING
CORP., a Florida corporation

Defendant.

CIVIL ACTION No. CL 87 3130 A H

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of said State:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the complaint or petition in the above styled cause upon the defendant:

U. S. Three Broadcasting Corp., *a Florida Corporation* by serving its Registered Agent

Robert B. Taylor
500 North Delaware Blvd.
Jupiter, FL 33458

Each defendant is hereby required to serve written defenses to said complaint or petition on

J. Terence McManus, Esquire

Plaintiff's attorney, whose address is:

818 U. S. Highway One
P. O. Box 14125
North Palm Beach, FL 33408

within 20 days after service of this summons upon you, exclusive of the day of service, and to file the original of said written defenses with the Clerk of said Court either before service on Plaintiff's attorney or immediately thereafter. If you fail to do so, a default will be entered against you for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of said Court this APR 02 1987 day of APRIL, 19 1987

JOHN B. DUNKLE
as Clerk of said Circuit Court.

(CIRCUIT COURT SEAL)



By Kimberly L. Stearns

Deputy Clerk

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Plaintiff Keith Koemm

Court Circuit
Case # CL-87-3130-AH
Palm Beach

Defendant U S Three, etc

Attorney Ingalsbe McManus
P O Box 14125
North Palm Beach FL 33408Type of Writ SUMMONS & copy & copy
complaintServe U.S. THREE BROADCASTING CORP.,
A Florida CorporationCost
Service \$ 12.00
Check 0385
pdAddress 500 No Delaware Blvd
Jupiter FL 33458Received this writ on the 6 Day of April A.D. 1987 and served the same on the within named _____ Corporation
Party _____ Garnishee _____ Defendant _____ Witness at _____ M on the _____ day of _____
A.D., 19____ in Palm Beach County, Florida.☐ INDIVIDUAL

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading.

☐ SUBSTITUTE

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading by leaving the copies at (his/her) usual place of abode with any person residing therein above the age of 15 years, to wit:

(Name and Relationship) and informing the person of the contents thereof (as defined in F.S. 48.031 (1).)

☐ CORPORATE

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading

to _____ as _____
of said corporation: in the absence of the President, Vice President, Cashier, Treasurer, Secretary, General Manager, Director, Resident Agent or any officers. (as defined in F.S. 48.061)☐ WITNESS

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me.

☐ SUBSTITUTE WITNESS

By delivering a true copy of this writ with the date and hour of service endorsed thereon by me at (his/her) usual place of abode, with any person residing therein above the age of 15 years, to wit: _____ and informing the person of the contents thereof. (Name and Relationship) (as defined in F.S. 48.031 (2).)

☐ POSTING

By posting on the premises located at _____ a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of Pleadings attached as the above named tenant was not available for personal service.

☒ MISCELLANEOUS

Evidently the business location for the radio station is not currently occupied. The local phone number is forwarded to a long distance number. Attorneys office advised.

RICHARD P. WILKE, SHERIFF OF PALM BEACH COUNTY, FLORIDA

By [Signature]
Deputy Sheriff

UNRECORDED

Note: Only that service indicated by the X is Applicable to this return - all other portions should not be considered.

Final Disposition Form

This form is required for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075. (See instruction on the reverse of the form.)

I. CASE STYLE

(Name of Court) FIFTEENTH JUDICIAL CIRCUITPlaintiff KEITH KOEMMCase #: CL87-3130 AHJudge: R.I. WENNET

vs

Defendant U.S. THREE BROADCASTING CORP. etc.

II. MEANS OF FINAL DISPOSITION (Place an "x" in one box only)

- ☐ Dismissed Before Hearing
- ☐ Dismissed After Hearing
- ☐ Disposed by Default
- ☐ Disposed by Judge
- ☐ Disposed by Non-jury Trial
- ☐ Disposed by Jury Trial
- ☐ Other

DATE June 24 1988SIGNATURE OF ATTORNEY FOR
PREVAILING PARTYDISMISSED FOR LACK OF PROSECUTION

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